

REMARKS

This Application has been carefully reviewed in light of the Final Office Action. Applicants appreciate the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Section 101 Rejection

The Examiner rejects Claims 18-22 under 35 U.S.C. §101. Applicants have made clarifying amendments to Claim 18 in response to suggestions made by the Examiner. Applicants respectfully submit that Claims 18-22 are allowable under 35 U.S.C. § 101.

Section 103(a) Rejection

The Examiner rejects Claims 1-22 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,774,660 issued to Brendel et al. ("*Brendel*") and U.S. Patent Application Pub. No. 2002/0172145 to Nguyen ("*Nguyen*"). Applicants respectfully traverse this rejection for the reasons discussed below.

Applicants respectfully submit that the combination of *Brendel* and *Nguyen* proposed by the Examiner fails to disclose, teach, or suggest elements specifically recited in Applicants' claims. For example, the proposed *Brendel-Nguyen* combination fails to disclose, teach, or suggest the following recited in independent Claim 1:

track a user data flow according to the IP address of the object; and
load balance the user data flow based on the tracking according to the
IP address.

Brendel merely discloses performing load balancing based on the server load:

The router/load balancer receives this request and performs load balancing based on the load of each server in the server farm.

(*Brendel*, col. 11, lines 9-11; *see also* col. 11, lines 59-63, col. 18, lines 30-33.)

Nguyen merely describes load balancers in general:

Load balancers are network appliances with secure, real-time, embedded operating systems that intelligently load balance IP traffic across multiple servers. Load balancers preferably optimize the performance of a site by distributing client requests across a cluster of multiple servers, preferably reducing the cost of providing large-scale Internet services and accelerating user access to those applications.

(*Nguyen*, ¶ 0599.)

Load balancing routers may measure each server's latency in handling requests and use response times to calculate a performance index, which may be used to decide how to route incoming requests. Routers vary in their load balancing mechanisms. Some routers may make their decisions based purely on routed traffic, while others may also factor in data obtained by agents running on the servers themselves. Some products, for example, Cisco's LocalDirector, may be configured to provide simple round-robin load balancing that distributes the load to the next available server regardless of load. These products may allocate requests to the server servicing the least number of connections, and may allocate requests to the server with the lowest response times.

(*Nguyen*, ¶ 1006.)

The proposed *Brendel-Nguyen* combination, however, fails to disclose, teach, or suggest the above elements of Claim 1. Thus, the proposed *Brendel-Nguyen* combination fails to disclose, teach, or suggest the elements of independent Claim 1. For at least these reasons, independent Claim 1 and its dependent claims are allowable under 35 U.S.C. § 103. For analogous reasons, independent Claims 8, 13, and 18 and their respective dependent claims are allowable under 35 U.S.C. § 103. Accordingly, Applicants respectfully request reconsideration and allowance of all pending claims.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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